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D. REMARKS

Interview Summary

On July 19, 2004, Applicants' representative submitted an "Applicant Initiated Interview Request Form" to Examiner Marie C. Ubiles via email. Applicants' representative requested discussion of the rejection to claims 3 and 7 clarification of the grounds of rejection of claim 7.

On July 20, 2004 at 3:30 PM est, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiners Ubiles and Matar. No exhibits were shown, nor demonstrations conducted.

Applicants' representative and the Examiners discussed claim 3. Specifically, the prior art cited against claim 3 is the US Patent to Walker et al (US 6,178,240) in view of Rupe et al (US 2003/0031309). In particular, Applicant's representative argued that a user hanging up during a telephone call does not teach the claimed invention of "responsive to said particular caller not indicating a readiness to move to said representative, removing said call from a hold queue." The Examiner's responded that because the claim is "not indicating a readiness", then a user hanging up during a telephone call does teach the negative limitation. In conclusion, no agreement with respect to the claims was reached. Applicants are filing this response with the amended claims for further review by the Examiner.

In addition, Applicants' representative and the Examiners discussed claim 7. Specifically, the prior art cited against claim 7 is Walker et al (US 6,178,240) in view of Saylor et al (6,263,051). In particular, Applicants' representative argued that the e-commerce applications shown in Figure 4 of Saylor do not teach or enable claim 7 which teaches accessing browsable help information from a server, where the same browsable help information is also accessible via the web, but Saylor merely shows that web applications may be accessed by the voice service system. Further, the description of Saylor col. 22, lines 36-50 and col. 23, lines 25-35 teach away from accessing browsable help information via a voice browser and via a web browser because Saylor teaches that control may be passed to a particular retailer (by accessing a web

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application) so that a transaction can be completed. Enabling a transaction to be completed by a web application implies that the web application controls a retail transaction. The Examiners responded that claim 7 teaches converting text to speech, which is within the scope of Saylor. In conclusion, no agreement with respect to the claim was reached. Applicants are filing this response with the amended claims for further review by the Examiner.

With respect to claims 7, the Examiner clarified that "XML language" on page 10, line 1 of the Office Action should read "voice service system."

Specification

The Examiner objected to the disclosure because of a grammatical error in the abstract on line 11, "for a the caller's". Applicants have amended the specification above to correct the grammatical error.

In addition, although not requested by the Examiner, Applicants have amended the specification above to include the application serial numbers of the related cross-references.

35 USC § 103(a)

Claims 1, 4, 8, 11, 15, 17, and 20

Claims 1, 4, 8, 11, 15, 17, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) Applicants note that the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Claims 1, 4, 8, 11, 15, and 17 have been amended to overcome the 103(a) rejection, thus the rejection should be withdrawn and the claims should be allowed. Claim 20 is cancelled.

Claims 1, 8, and 15

Regarding claim 1, the Examiner cites Walker et al. as teaching the claim element of "receiving a call from a particular caller at an on hold system" where "a caller at a station set 105

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places a call to the call center 100."[Office Action, p. 3] In addition, the Examiner cites Walker
as teaching that "the caller can be presented with a list or menu of available premium web sites
by the IVRU 155 and if the caller access the call center from a conventional telephone (i.e.
telephony device), the textual portions of a premium web site may be converted to speech for
presentation to the caller" (See Walker et al., Col. 6, lines 13-32) as teaching the claim element
of "responsive to a selection from among said menu of browsable help information, translating a
web script for said selection from among said menu of browsable help information into audio
output to said particular caller." [Office Action, p. 3-4] In addition, the Examiner suggests that
"while not directly discussed by Walker et al., it is well known in the art that in ACD systems
that responsive to the selection of a user, he or she may be prompted to select a help subject from
among various menus and browse help information from the specified help subject. For
example, a caller performing telephone banking may press "1" to prompt a menu describing
checking account transactions (e.g. check cashed, account balance, move money between
accounts) and press "2" for savings account transactions (e.g. balance, move money between
accounts) as teaching the element of "responsive to a selection of a help subject by said
particular caller, prompting said caller with a menu of browsable help information specified for
said help subject." [Office Action, p. 3]

      Claim 1 currently reads as follows:

      1.(**Currently Amended**) A method for managing voice browsing while a call is
on hold comprising:

          receiving a call from a particular caller at an on hold system;

          ~~responsive to a selection of a help subject by said particular caller,~~
prompting said particular caller with a menu of browsable help information
~~specified for said help subject~~ via a voice browser, wherein said menu of
browsable help information is a first web script translated by said voice browser
into audio output; and

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responsive to a selection from among said menu of browsable help
information, translating a <u>second</u> web script for said selection from among said
menu of browsable help information <u>via said voice browser</u> into audio output to
said particular caller.

In establishing a prima facie case of obviousness under 103(a), the combined prior art
references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20
USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully propose that the reference combined
with what the Examiner cites as well known in the art do not teach or suggest the amended
claimed limitation. First, Walker et al. does not teach implementing a browsable help menu
from a web script within a call center, but merely translating general web sites from text to
speech when selected by a caller waiting on hold. Second, it is not known in the art to
implement a browsable help menu from a web script in a call center; a limitation of current
interactive voice response units (IVRU) specified in the background of the present application is
that it is expensive to program the menus in traditional IVRU's. (*See* Background of the
Invention, p. 3, lines 7-19) The advantage of the invention is that by implementing a voice
browser within a call center to provide menus of information, the menu of information can be
quickly updated merely by updating a web script within the call center or at a network accessible
location, rather than requiring the costly procedure of recording a new IVRU transcript to change
information in the menu. The amended element of "prompting said particular caller with a menu
of browsable help information ~~specified for said help subject~~ <u>via a voice browser, wherein said</u>
<u>menu of browsable help information is a first web script translated by said voice browser into</u>
<u>audio output</u>" teaches the advantage of basing a browsable help menu on a web script translated
by a voice browser.

In conclusion, Applicants respectfully request allowance of claim 1 in light of the
amendments that overcome the Examiner's rejection of obviousness. In addition, claims 8 and
15 are system and program claims that correspond directly to independent claim 1, and therefore,

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are rejected under the same rationale. Applicants have made amendments to system claim 8 and program product claim 15 that mirror the amendments to claim 1. Thus, Applicants respectfully request allowance of corresponding system and program claims 8 and 15 with the allowance of claim 1.

Claims 4, 11, and 17

Regarding claim 4, the Examiner cites Walker et al. at teaching that "the information entered by the caller in response to the questions asked by the IVRU 155, is organized, collected, and forwarded to the PBX/ACD 150. The collected data (e.g. caller name, identification number, specific information entered by the caller in response to the sequence of posed questions, and a menu of entertainment options and caller selections), the collected information is forwarded by the PBX/ACD 150 to an attendant console, the caller uses the Internet network 145 to browse the web sites (Walker et al., col. 4, lines 65-67' col. 5, lines 21-38)." [Office Action, p. 4] Thus, the Examiner concludes that it would have been obvious to one of ordinary skill to forward the web information collected during the caller audio web browsing, via means of the Internet network, to the attendant connected to the PBX/ACD. [Office Action, p. 4]

Originally, Claim 4 read "transferring a request to a help server via a network for said web script associated with said selection from among said menu of browsable help information." The Examiner's conclusion that of what would have been obvious to one skilled in the art based on Walker et al. does not describe the original limitation of claim 4. However, Applicants note that col. 6, lines 13-32, as cited by the Examiner with reference to the rejection of claim 1, refers more closely to the element of the original claim 4. In particular, col. 6, lines 17-22 of Walker et al. describes how "the caller can be presented with a list or menu of available premium web sites by the IVRU 155, with the corresponding URL programmed for each web site. The caller thereafter enters his selection of a desired premium web site, which selection is transmitted to the PBX/ACD 150."

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Claim 4 currently reads:

4.(**Currently Amended**) The method for managing voice browsing according to claim 1, further comprising:

transferring a request to a help server via a network for said <u>first</u> web script ~~associated with said selection from among~~ <u>for</u> said menu of browsable help information.

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully propose that the reference combined with what the Examiner cites as what would be obvious to one skilled in the art do not teach or suggest the amended claimed limitation. First, Walker et al. does not teach a implementing a voice browser for translating a web script as the browsable help menu, but merely teaches providing an IVRU transaction script for a help menu. Second, as described with reference to the amendments to claim 1, in view of Walker et al., it would not be not be obvious to provide a browsable help menu from a voice browser that translates a web script and further it would not be obvious to access the web script from a network accessible server.

In conclusion, Applicants respectfully request allowance of claim 4 in light of the amendments that overcome the Examiner's rejection of obviousness. In addition, claims 11 and 17 are system and program claims that correspond directly to dependent claim 4, and therefore, are rejected under the same rationale. Applicants have made amendments to system claim 11 and program product claim 17 that mirror the amendments to claim 4. Thus, Applicants respectfully request allowance of corresponding system and program claims 11 and 17 with the allowance of claim 4.

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Claim 20

Claim 20 was rejected for the same reasons as claim 1. Applicants have cancelled claim 20.

Claims 2, 9, and 16

Claims 2, 9, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) in view of Walker et al. (US Patent Number 5,978,467). Applicants respectfully propose that claims 1, 8, and 15, upon which claims 2, 9, and 16 are dependent, have been amended for allowance, and therefore claims 2, 9, and 16 should be allowed.

Claims 3 and 10

Claims 3 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) in view of Rupe et al (2003/0031309). First, Applicants respectfully propose that claims 1 and 8, upon which claims 3 and 10 are dependent, have been amended for allowance, and therefore claims 3 and 10 should be allowed. Second, Applicants have amended claims 3 and 10 for purposes of clarification.

Claims 5-7, 12-14, 18-19, and 21

Claims 5-7, 12-14, 18-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US Patent Number 6,178,240) in view of Saylor et al (US 6,263,051). First, Applicants respectfully propose that claims 1, 8 and 15, upon which claims 5-7, 12-14, and 18-19 are dependent, have been amended for allowance, and therefore claims 5-7, 12-14, and 18-19 should be allowed. Applicants note that claim 21 is cancelled. Second, Applicants second note that the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 7 and 14, the rejection should be withdrawn and the claims should be allowed.

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Claims 7 and 14

Regarding claim 7, the Examiner cites Saylor et al. at teaching that a "voice service system takes Web pages (see Fig. 4, e-commerce applications) and transforms these pages into text (i.e. web scripts) that can be read (i.e. audio output) to a user (i.e. caller). A system based on XML mark up language may be controlled by the interaction of a caller with the voice menu for web browsing (i.e. first format controllable by a voice browser) or by the interaction using a user utilizing a web browser at a PC (i.e. a second format controllable by a web browser at a computer system.) [Office Action, p. 10] The Examiner concludes that "it would have been obvious to one of ordinary skill at the time the invention was made to modify Walker et al.'s system with the teaching of Saylor et al. and in this manner providing a system that will not require a company to maintain expensive telephony hardware and software and telephone lines." [Office Action, p. 10]

Claim 7 currently reads:

7.(**Currently Amended**) The method for managing voice browsing according to claim 1, wherein <u>a selection of help information within</u> said <u>second</u> web script is received <u>at said on hold system</u> from a help server in a first format <u>specified for audio output</u> controllable by a voice browser, wherein said help server is <u>also</u> enabled to transfer <u>said same selection of help information within</u> said <u>second</u> web script in a second format <u>specified for browser based output</u> controllable by a web browser at a computer system.

First, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner cites a block described as "e-commerce applications" within Figure 4 of Saylor as teaching web pages that can be that can be read to a

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user by equating the transformation of web pages into text as teaching the availability of web scripts. Further, the Examiner describes Saylor et al as teaching a system enabling a user to web browse web pages that are transformed into web scripts and then read to the user. However, Saylor only teaches, with reference to the e-commerce applications of Figure 4, that the voice service system can access web applications to perform transactions, not to convert the web sites into web scripts and then play the web scripts to the user. Further, the claim limitation specifies that the single help server provides the web scripts in multiple formats, not that an external system converts web pages into multiple formats. The Examiner does not specify what portion of Saylor et al teaches a single server system that can provide a web script in one format for audio output and another format for web browser based output. Thus, Applicants respectfully propose that where Saylor et al. does not teach the limitation of a single server that provides the web scripts in multiple formats, the Examiner does not meet the burden of showing the obviousness of the claimed limitation.

Second, in establishing a prima facie case of obviousness under 103(a), the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n. 5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). A prior art reference must be considered in its entirety, i.e. as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The e-commerce applications shown in Figure 4 of Saylor do not teach or enable accessing a web script from a single server in a voice format when requested for output by a voice browser and a web script in an alternate format when requested for output by a web browser, but merely shows that web applications may be accessed by the voice service system. Further, the description of Saylor col. 22, lines 36-50 and col. 23, lines 25-35 teach away from accessing a web script via both a voice browser and via a web browser because Saylor teaches that control may be passed to a particular retailer (by accessing an e-commerce web application) so that a transaction can be completed. Enabling a transaction to be completed by a web application implies that the web application controls a retail transaction and that the voice

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service system of Saylor et al. merely transfers information to the web application for a transaction, and does not convert the web application into text that can be provided as audio output. Thus, Applicants respectfully propose that when Saylor et al. is considered as a whole, including the portions that teaching away from the claimed invention, Saylor et al. does not suggest the desirability of providing a web script at a server that is already ready for output in multiple formats depending on the type of browser accessing the server and requesting the information.

Finally, the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the Examiner does not produce a prima facie case, Applicants are not under an obligation to submit evidence of nonobviousness. As previously described, Applications respectfully propose that the Examiner has not met the burden of establishing prima facie obviousness for claim 7 because the element of a single help server providing a web script in multiple formats depending on the type of browser used to control the output of the web script is not taught or suggested by the prior art and is taught away from by the prior art when the prior art is considered as a whole. As a result of not establishing prima facie obviousness for claim 7, prima facie obviousness is also not established for claim 14. However, for purposes of clarification and to bring claims 7 and 14 in conformity with the amendments to claims 1 and 8, Applicants have amended claims 7 and 14. In particular, claims 7 and 14 are amended to clarify that the actual web script is specified in multiple formats, not just converted into multiple formats, and that the multiple formats are specified based on the browser through which the information will be output. Thus, one format of a web script may be formatted with additional information that enhances understandability for audio output and another format of a web script may be formatted with additional graphics that enhances visual output.

New Claims

Applicants have added new claims 22 and 23, dependent on amended claims 1 and 8. The specification teaches the limitations of claims 22 and 23 on page 14, lines 8-13:

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"In addition, to filtering subject and service options to only present preferred types of options, any output directed by voice browser **20** to a caller may be specified by a caller's profile. In particular, the language, dialect, speed, volume and other characteristics of output to a caller may be specified by the caller's profile."

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

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